

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 47 and 48 have been added. No new matter has been added by these claims. Support for these claims can be found at least in paragraphs [0056] and [0057] and Figures 2 and 3 of the published specification. Claims 1, 2, 4, 6-10 and 31-48 are now pending in this application.

I. Rejection of Claims 1, 2, 4, 6-10, 32-39, 41, 43, and 45 under 35 USC § 103

On page 4 of the Office Action, Claims 1-2, 4, 6-10, 32-39, 41, 43, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0065564 to Sheriff et al. (hereinafter “Sheriff”) in view of U.S. Patent No. 7,245,649 to Haartsen (hereinafter “Haartsen”) and U.S. Patent Application Publication No. 2004/0152450 to Kouznetsov et al. (hereinafter “Kouznetsov”). Applicants respectfully traverse the rejection.

Independent Claim 1 recites, in part, that “the server computer is programmed to: receive, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated” and “cause the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time” (emphasis added). Independent Claim 32 recites, in part, that “the wireless receiver subsystem is configured to ... respond to the signal received by the wireless receiver ... to perform content synchronization with a server computer ... , wherein the synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer” (emphasis added). Although different in scope, independent Claims 37 and 43 recite similar elements. Applicants respectfully submit that Sheriff, Haartsen, and Kouznetsov, alone or in combination, fail to disclose, teach, or suggest such elements.

Kouznetsov is directed to a “messaging system [that] provides dynamic polling of a message server” (Abstract). Kouznetsov discloses a “messaging system” that includes

“computers 20 and 28” controlled by “users 16 and 18” and a “central server 12” that manages messaging between “computers 20 and 28” (see paragraphs [0010] and [0011]; Figure).

Paragraph [0012] of Kouznetsov discloses that “computers 20 and 28” include “messaging software application 50.” Paragraph [0013] of Kouznetsov states (with emphasis added):

The messaging system 11 of the present invention ... operates using a message polling technique, where the users' messaging software application, such as software 50 or 52, polls or "calls" the server 12 to determine if message intended for that user are waiting to be delivered.

Paragraphs [0017] and [0018] of Kouznetsov state:

Individual users can also create a schedule of when to poll for new messages. This allows server 12 to be polled only during the times and days of the week selected by the user, which permits a user to configure message software applications to run on different computers (e.g. home and office) without conflicts, as each computer will only get messages sent within scheduled polling intervals assigned to that particular computer.

Although server 12 operates in a stateless manner, it is of course possible to implement a peer to peer messaging system that maintains open communication sockets between users. Based on user activity, messaging system 11 could implement whichever connection was best suited to the current activity of the users, with such decision being made by either server 12 or the application, e.g., software 50 or 52, residing on the users' computer.

As such, Kouznetsov discloses that the users’ “computers 20 and 28” poll “central server 12.” Kouznetsov further discloses that a “schedule of when to poll” may also be created by the users. This schedule appears to be created and maintained at the client/users’ “computers 20 and 28” (which perform the polling). Kouznetsov fails to provide any indication that “central server 12” “receives, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated” and “causes the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time,” as recited in Claim 1, or that “the

synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer,” as recited in Claims 32, 37, and 43 (emphasis added). A client computer that polls a server computer at scheduled times is not the same as a “server computer” that “receives, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated” and “causes the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time,” as claimed.

On page 3 of the Office Action, the Examiner further stated that:

Modifying the polling process of Sheriff with the polling technique of Kouznetsov renders a scenario wherein the time of the polling process of Sheriff is selected by a user. Since the automatic synchronization is tied to said polling time, the automatic synchronization time is effectively selected by the user.

However, in making the above argument the Examiner appears to ignore and/or mischaracterize the plain language of the claims. The claims do not recite an “automatic synchronization time [that] is effectively selected by the user.” To the contrary, Claim 1 recites, in part, that “the server computer is programmed to: receive, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated” and “cause the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time” (emphasis added). Nowhere does Sheriff or Kouznetsov disclose, teach, or suggest a “server computer” that “receive[s], from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is initiated.” Instead, as discussed above, Kouznetsov discloses that remote client computers 20 and 28 poll the server at predetermined times. Kouznetsov does not provide any indication that a “predetermined future time selected by a user at which an automatic process of content synchronization is initiated” is communicated to or received by the “central server 12” of Kouznetsov.

For at least the foregoing reasons, Applicants respectfully request submit that the combination of Sheriff, Haartsen, and Kouznetsov fails to disclose, teach, or suggest at least one element recited in each of independent Claims 1, 32, 37, and 43 (and their associated dependent claims). Accordingly, Applicants respectfully request withdrawal of the rejection of Claims 1, 2, 4, 6-10, 32-39, 41, 43, and 45 under 35 U.S.C. § 103(a).

II. Rejection of Claims 32-39, 41, 43, and 45 under 35 USC § 103

On page 10 of the Office Action, Claims 32-39, 41, 43, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheriff in view of Haartsen, Kouznetsov, and U.S. Patent No. 6,940,833 to Jonas *et al.* (hereinafter “Jonas”). Applicants respectfully traverse the rejection.

As discussed above, independent Claim 32 recites, in part, that “the wireless receiver subsystem is configured to ... respond to the signal received by the wireless receiver ... to perform content synchronization with a server computer ... wherein the synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer” (emphasis added). Although different in scope, independent Claims 37 and 43 recite similar elements. Applicants respectfully submit that Sheriff, Haartsen, Kouznetsov, and Jonas, alone or in combination, fail to disclose, teach, or suggest such elements.

On page 13 of the Office Action, the Examiner acknowledged that Sheriff and Haartsen do not teach “receiving, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated.” Instead, the Examiner relied on Kouznetsov for its alleged disclosure of such an element, specifically citing “sections 0017 lines 1-4, 0018 lines 1-4” of Kouznetsov. As discussed above, Applicants respectfully disagree with the Examiner’s characterization of Kouznetsov.

Kouznetsov discloses that the users’ “computers 20 and 28” poll “central server 12” (see paragraphs [0013], [0017], and [0018]). Kouznetsov further discloses that a “schedule of when

to poll” may also be created by the users (see paragraphs [0013], [0017], and [0018]). This schedule appears to be created and maintained at the client/users’ “computers 20 and 28” (which perform the polling). Kouznetsov fails to provide any indication that “the synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer,” as recited in Claims 32, 37, and 43 (emphasis added). Polling of a server computer by a client computer at scheduled times is not the same as performing “the synchronization of content ... at a predetermined time specified by a user in response to a command from the server computer,” as claimed.

On pages 14-15 of the Office Action, the Examiner further discussed Jonas apparently for its alleged disclosure of “the substituted step of acquisition of the time of day from a server computer.” The Examiner relied on column 8, lines 20-22 and 53 of Jonas for its alleged disclosure of such a step. Jonas is directed to a “two dimensional scheduler [that] integrates the allocation of both the time domain and the channel domain for upstream communication in a broadband wireless access system.” Column 8, lines 20-22 and 53 of Jonas states:

A preferred embodiment of the wireless modem initialization procedure utilizing the functions of the present invention comprises (referring to FIG. 3): ... 3.2 Acquiring Time Of Day from the time server.

As such, Jonas appears to merely state that the time of day may be acquired from a “time server.”

On page 3 of the Office Action, the Examiner stated that “[m]edifying the polling technique of Kouznetsov with the above time feature of Jonas renders receiving, from a user interface, a predetermined future time selected by a user at which a process is to be initiated in response to a command from a server computer.” Applicants respectfully disagree. Jonas does not appear to disclose, teach, or suggest any elements that are relevant to the present rejection. As discussed above, Jonas merely discloses that a “time of day” may be acquired from a “time server.” However, acquiring the time of day from a specialized server is very different from

“receiving, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated.” The “time of day” of Jonas is not a “predetermined future time,” but rather is the current time. The “time of day” of Jonas is not “selected by a user,” and the “time of day” of Jonas is not indicative of a time “at which an automatic process of content synchronization is to be initiated.”

As discussed above, Kouznetsov discloses that users’ “computers 20 and 28” poll a “central server 12.” The schedule of when to poll appears to be created and maintained at the client/users’ “computers 20 and 28” of Kouznetsov. Jonas merely discloses that a “time of day” may be acquired from a “time server.” The combination of these disclosures would not render obvious the element “receiving, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated” (as asserted by the Examiner on page 3 of the Office Action. Neither Kouznetsov, Jonas, nor their combination disclose, teach, or suggest a “predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated” which is received “from a user interface.” Likewise, the applied references fail to disclose, teach, or suggest that “the synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer,” as recited in Claims 32, 37, and 43 (emphasis added).

For at least the reasons above, Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 32-39, 41, 43, and 45 were rejected under 35 U.S.C. § 103(a).

III. Rejection of Claim 31 under 35 U.S.C. § 103(a)

On page 18 of the Office Action, Claim 31 was rejected under 35 U.S.C. § 103(a) over Sheriff, Haartsen, and Kouznetsov in view of U.S. Patent Application Publication No. 2004/0029621 to Karaoguz *et al.* (hereinafter “Karaoguz”). Applicants respectfully traverse the rejection.

Claim 31 depends from independent Claim 1. As discussed above, the combination of Sheriff, Haartsen, and Kouznetsov fails to disclose, teach, or suggest at least one element recited in Claim 1. Likewise, Karaoguz also fails to disclose, teach, or suggest a “server computer ... configured to receive, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated” and “cause the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time,” as recited in Claim 1 (emphasis added). . Accordingly, the combination of Sheriff, Haartsen, Kouznetsov, and Karaoguz also fails to disclose, teach, or suggest at least one element recited in Claim 1 and Claim 31, which depends from Claim 1.

Applicants therefore respectfully request withdrawal of the rejection of Claim 31 under 35 U.S.C. § 103(a).

IV. Rejection of Claims 40 and 44 under 35 U.S.C. § 103(a)

On page 19 of the Office Action, Claims 40 and 44 were rejected under 35 U.S.C. § 103(a) over Sheriff, Haartsen, Kouznetsov, and Jonas in view of U.S. Patent No. 5,812,942 to Allen et al. (hereinafter “Allen”). Applicants respectfully submit that the rejection is moot in view of the amendments to independent Claims 37 and 43. Applicants respectfully traverse the rejection.

Claims 40 and 44 depend from independent Claims 37 and 43, respectively. Like Sheriff, Haartsen, Kouznetsov, and Jonas, Allen also fails to disclose, teach, or suggest that “the synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer,” as recited ins 37 and 43 (emphasis added). Thus, the combination of Sheriff, Haartsen, Kouznetsov, Jonas, and Allen also fails to disclose, teach, or suggest at least one element recited in each of Claims 40 and 44.

Applicants therefore respectfully request withdrawal of the rejection of Claims 40 and 44 under 35 U.S.C. § 103(a).

V. Rejection of Claims 42 and 46 under 35 U.S.C. § 103(a)

On page 20 of the Office Action, Claims 42 and 46 were rejected under 35 U.S.C. § 103(a) over Sheriff, Haartsen, Kouznetsov, and Jonas in view of U.S. Patent Application Publication No. 2002/0066018 to Linnartz (hereinafter "Linnartz"). Applicants respectfully traverse the rejection.

Claims 42 and 46 depend from independent Claims 37 and 43, respectively. Like Sheriff, Haartsen, Kouznetsov, and Jonas, Linnartz also fails to disclose, teach, or suggest that "the synchronization of the content is performed at a predetermined time specified by a user in response to a command from the server computer," as recited in Claims 37 and 43. Thus, the combination of Sheriff, Haartsen, Kouznetsov, Jonas, and Linnartz also fails to disclose, teach, or suggest at least one element recited in each of Claims 42 and 46.

Applicants therefore respectfully request withdrawal of the rejection of Claims 42 and 46 under 35 U.S.C. § 103(a).

VI. New Claims 47 and 48

New Claims 47 and 48 have been added. No new matter has been added by these claims. Claims 47 and 48 depend from independent Claim 1. As discussed above, the various applied references fail to disclose, teach, or suggest at least one element recited in independent Claim 1. Accordingly, Applicants respectfully submit that new Claims 47 and 48 are patentable over the applied references based at least one their dependence from independent Claim 1. In addition, Applicants respectfully submit that the various applied references fail to disclose, teach, or suggest that "the server computer further comprises a user interface configured to receive and set a plurality of predetermined synchronization times," as recited in Claim 47, and that "the server computer is further configured to receive and store a plurality of predetermined synchronization

times from the user interface,” as recited in Claim 48. Accordingly, Applicants respectfully request allowance of new Claims 47 and 48.

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Applicants respectfully request consideration and allowance of all pending claims.

It should also be noted that although arguments have been presented with respect to certain claims herein, the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons. Further, the failure to address any statement by the Examiner herein should not be interpreted as acquiescence or agreement with such statement. Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in any other future proceeding, and to rebut any statement presented by the Examiner in this or other papers during prosecution of the present Application.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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